

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

MP2 Energy NE LLC	:	
	:	15-0304
Petition for Confidential Treatment	:	
and Protective Order.	:	
	:	

ORDER

By the Commission:

On April 24, 2015, MP2 Energy NE LLC ("Applicant") filed a verified Motion requesting that the Commission enter an order protecting from disclosure as confidential information portions of its 2014 report of continuing compliance as an Alternative Retail Electric Supplier ("ARES"). Petitioner seeks to keep this information confidential for a period of not less than two years.

In the Petition, Petitioner states that it is certificated as an ARES in the State of Illinois, and that it has filed its Compliance Report with the Commission in both confidential and public versions.

Petitioner states that certain information contained in its 2014 Report of Continuing Compliance, namely its financial, managerial, and technical reporting and its license or Permit Bond contain trade information and market sensitive information regarding Petitioner, and that the public disclosure of this information would be detrimental to Petitioner. The Petitioner requests that this information be kept confidential for a two-year period.

In support, Petitioner cites the Illinois Freedom of Information Act, 5 ILCS 140/7. Petitioner further cites 83 Ill. Adm. Code 451.60, which provides, in pertinent part:

If an applicant or ARES believes any of the information to be disclosed by an applicant or ARES is privileged or confidential, the applicant or ARES should request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430.

The Administrative Law Judge waived hearing in this matter.

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) MP2 Energy NE LLC is an alternative retail electric supplier, as defined in the Public Utilities Act;
- (2) the Commission has jurisdiction over the Petitioner and of the subject matter herein;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the petition and are hereby adopted as findings of fact;
- (4) 83 Ill. Adm. Code 451.60 provides, in pertinent part:

If an applicant or ARES believes any of the information to be disclosed by an applicant or ARES is privileged or confidential, the applicant or ARES should request that the commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430;

- (5) Section 7(g) of the Illinois Freedom of Information Act (5 ILCS 140/7) exempts the following from public disclosure:

Trade Secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where such disclosure of such trade secrets or information may cause competitive harm;

- (6) the verified Petition states that the information specified above falls within the exemption stated in Finding (5) above;
- (7) the information contained in the Petitioner's 2014 Report of Continuing Compliance as an ARES should be exempt from public disclosure under Section 7(g) of the Illinois Freedom of Information Act and 83 Ill. Adm. Code 551.60 for a period of two years from the date of this Order.

IT IS THEREFORE ORDERED that the information specified in Finding (7) above shall be afforded proprietary treatment, is exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of two years from the date of this Order.

IT IS FURTHER ORDERED that the Illinois Commerce Commission retains jurisdiction over MP2 Energy NE LLC and of the subject matter hereof for the purpose of issuing such further orders as the Commission may deem necessary.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 20th day of May, 2015.

(SIGNED) BRIEN SHEAHAN

Chairman